

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed, and reconsideration and favorable action is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. 103(a)

Claims 1 and 4-6 were originally rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art, in view of Azkona (6,467,380).

In addition, claims 2 and 3 were originally rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art, in view of Azkona, and further in view of Balley et al. (6,014,917).

Responsive to this, claim 1 is amended so as to make the claimed invention more distinguishably patentable over the prior art references cited by the Examiner. Applicant also submits the following comments.

The claimed invention discloses "a hand tool, comprising:

a head portion having two jaw portions pivotally connected with each other by a pivot pin;

a handle portion pivotally mounted on the head portion and having two holding grips each having a first end pivotally mounted on an end of a respective one of the two jaw portions of the head portion by a positioning pin and a second end formed with a counterbore;

a mounting tube fixedly mounted on the second end of a first one of the two holding grips of the handle portion;

a push rod fixedly mounted on the second end of a second one of the two holding grips of the handle portion and slidably mounted in the mounting tube; and

an elastic member mounted in the mounting tube and urged between the mounting tube and the push rod" as disclosed in the amended claim 1.

With reference to the Azkona reference, it disclosed a pair of pliers comprising a male handle 6 and a female handle 11 joined by a telescoping rod 15 that pivots at each end in the male handle 6 and the female handle 11. The telescoping rod 15 has an outside caging 1, and an internal spring 3 is received in the outside caging 1 of the telescoping rod 15.

In comparison, in the Azkona reference, the telescoping rod 15 is pivotally mounted between the male handle 6 and the female handle 11, so that the telescoping rod 15 has a first end pivotally mounted (not fixedly) on the male handle 6 and a second end pivotally (not fixedly) mounted on the female handle 11.

Thus, the Azkona reference does not teach "a handle portion having two holding grips each having a second end formed with a counterbore, a mounting tube fixedly mounted on the second end of a first one of the two holding grips of the handle portion, a push rod fixedly mounted on the second end of a second one of the two holding grips of the handle portion" as disclosed in the amended claim 1 of the claimed invention.

In addition, in the Azkona reference, the telescoping rod 15 has a first end pivotally mounted (not fixedly) on the male handle 6 and a second end pivotally (not fixedly) mounted on the female handle 11.

Thus, the Azkona reference does not teach "the mounting tube has an outward protruding stepwise end inserted into and closely fitted in the counterbore of the first one of the two holding grips of the handle portion" as disclosed in the amended claim 4 of the claimed invention.

Further, in the Azkona reference, the telescoping rod 15 has a first end pivotally mounted (not fixedly) on the male handle 6 and a second end pivotally (not fixedly) mounted on the female handle 11.

Thus, the Azkona reference does not teach "the push rod has an outward protruding stepwise end inserted into and closely fitted in the counterbore of the second one of the two holding grips of the handle portion" as disclosed in the amended claim 5 of the claimed invention.

With reference to the Bailey reference, it disclosed a pair of pliers 30 comprising two handle portions 36 and 42, and a telescoping spring 48 for biasing the two handle portions 36 and 42 away from each other.

In comparison, in the Bailey reference, it disclosed a telescoping spring 48 that can not be bent to form an arc shape.

Thus, the Bailey reference does not teach "the mounting tube is substantially arc-shaped" as disclosed in the claim 2 of the claimed invention.

In addition, the Bailey reference does not teach "the push rod is substantially arc-shaped" as disclosed in the claim 3 of the claimed invention.

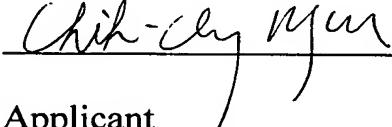
Therefore, from the above mentioned descriptions, it is apparent that the claimed invention has disclosed a hand tool whose structure and function are quite

different from and patentably distinguishable over that of the Azkona reference. It is believed that the Azkona reference, whether taken alone or in combination with the Balley reference and the applicant's admitted prior art reference, does not provide the elements and objectives as are disclosed in the claimed invention, and cannot render obvious the claimed invention.

Accordingly, for all of the above-mentioned reasons, it is believed that the rejections under 35 U.S.C. 103(a) should be withdrawn, and the claims 1-6 should be allowable.

In view of the foregoing amendments and remarks, Applicant submits that the application is now in a condition for allowance and such action is respectfully requested.

Respectfully submitted,



Applicant

Chih-Ching Hsien

58, MA YUAN WEST ST.,
TAICHUNG, TAIWAN

Nov. 05, 2004